

ALLEN RICHARDSON WOODS	§	
v.	§	CIVIL ACTION NO. 6:11cv462
WARDEN DEWBERRY, ET AL.	§	

The Plaintiff Allen Richardson Woods, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Woods complains that Warden Dewberry retaliated against him in some unspecified way and “overlooked” his medical care, that the Director of TDCJ and the Texas Board of Pardons and Paroles seized money from his inmate trust account, the Sheriff of Anderson County refused to investigate why Woods was “dehumanized in a mandate,” and the Governor of Texas helped the Board “carry on” Woods’ criminal conviction in cause no. 56-90. Woods claimed that the Fifth Circuit has “granted him a mandate” because “a professional attorney felt that the respondents were lying under oath” and complains of the legality of his criminal conviction.

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Fifth Circuit to file a successive petition. The Magistrate Judge also noted that Fifth Circuit records do not show that Woods has been granted a mandate.

Furthermore, the Magistrate Judge stated that Woods has filed at least three previous lawsuits or appeals which have been dismissed as frivolous or for failure to state a claim upon which relief may be granted, and so Woods cannot proceed under the *in forma pauperis* statute; instead, he must either pay the full filing fee or show that he is in imminent danger of serious physical injury. 28 U.S.C. §1915(g). He did not do either of these, and so the Magistrate Judge recommended that the lawsuit be dismissed.

Woods received a copy of the Magistrate Judge's Report on September 27, 2011, but has filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings and documents in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 5) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's application for leave to proceed *in forma pauperis* (docket no. 2) is hereby DENIED. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as to the refiling of another *in forma pauperis* lawsuit raising the same claims as herein presented, but without prejudice to the refiling of this lawsuit without seeking *in forma pauperis* status and upon payment of the statutory \$350.00 filing fee. It is further

ORDERED that should the Plaintiff pay the full filing fee within 30 days after the date of entry of final judgment in this case, he shall be allowed to proceed in the lawsuit as through the full fee had been paid from the outset. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So ORDERED and SIGNED this 5th day of December, 2011.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**